

states that other Senior Management Assistants are not supervising, and feels like she has been discriminated against. She argues that she has been given extra duties over the past four years.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that classification appeals must be submitted in writing within 20 days of receipt of the decision letter and include copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification for Technical Assistant, Legal Activities states:

Under the direction of the supervisory official in a State department or agency, who is responsible for management of the regulatory and contested case process, coordinates formal and/or contested case proceedings with the Office of Administrative Law, and coordinates department activities such as the publication of rules and regulations in the New Jersey Register as may be required; does related work as required.

The definition section of the job specification for Senior Management Assistant states:

Under the direction of a manager in a State department, institution, or agency, or within a local government jurisdiction, provides varied complex administrative services in support of a manager(s) within the area of assignment; assists in the coordination of management/administrative activities of an assigned unit or work area; does other related duties.

First, it is noted that the Senior Management Assistant title is not a supervisory title, and the appellant's position has no supervisory responsibility, since she has not indicated in her PCQ or on appeal that she conducts formal performance evaluations of subordinate employees. Further, classification is not based on part-time or occasional duties, such as in the absence of others, nor does it rely on duties that may have been performed in the past. The classification of a position is determined based on the duties and responsibilities assigned to a position at the time the request for reclassification is received by Agency Services as verified by audit or other formal study. When it is found that most of an incumbent's duties and responsibilities relate to the examples of work found in a

particular job specification, that title is deemed the appropriate title for the position. As such, the major duties in time and importance determine the classification of a position. Duties performed a small percentage of the time can enhance or detract from the classification, but the tasks performed for most of the time will be predominantly used to make a determination.

In this case, the appellant does not dispute that the classification review determined the primary duties of her position. To that end, the duties found in a classification determination are not meant to be listed verbatim from the documentation supplied at the desk audit, but are a summary of the major duties provided. The duties listed in the determination follow quite closely the duties listed in the PCQ provided by the appellant. The appellant signed the PCQ stating that she read the instructions and the entries made therein are her own and are accurate and complete to the best of her knowledge.

Also, the outcome of position classification is not to provide a career path to the incumbents, but rather is to ensure that the position is classified in the most appropriate title available within the state's classification plan. *See In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005). Further, how well or efficiently an employee does his or her job, their length of service, and their qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees, are classified. The fact that some of an employee's assigned duties may compare favorably with some examples of work found in a given job specification is not determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. Moreover, it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed.

The Senior Management Assistant title is professional, requiring a Bachelor's degree, and is not a "super-clerical" or para-professional title. The focus of the duties of a Senior Management Assistant is to provide varied and complex services in the coordination of management or administrative activities of an assigned unit or work area. An incumbent acts as an assistant to a Manager, not in a supportive or secretarial function, but rather, to relieve the Manager of detail-oriented and time-consuming professional tasks. The majority of duties listed on the appellant's PCQ are not those of a Senior Management Assistant. Instead, her duties include technical and administrative clerical tasks which do not rise to the level and scope of professional work.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 23rd DAY OF MAY, 2018



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